

Notice of Allowability**Application No.**

10/630,529

Examiner

STEVEN J. HYLINSKI

Applicant(s)

BAERLOCHER, ANTHONY J.

Art Unit

3714

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/28/2009.
2. ☒ The allowed claim(s) is/are 1-8,11-22,24-44 and 46-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 2010013.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with Adam Masia on January 13, 2010.

Replace claim 1 with the following:

Claim 1 (currently amended): A gaming device comprising:

at least one display device;

at least one processor; and

at least one memory device which stores a plurality of instructions which, when executed by the at least one processor, cause the at least one processor to operate with the at least one display device to:

(a) display an award distributor associated with a game, said award distributor including an award wheel which includes:

(i) a plurality of sections displayed in a predetermined arrangement on said award distributor, said predetermined arrangement including each of the sections being in a set position relative to each other section of said award distributor, each of said sections defined by one of a plurality of first coordinates and one of a plurality of second coordinates, wherein:

(A) each first coordinate is associated with one of a first plurality of groups of the sections, each said group of the first plurality of groups including a plurality of the sections, and

(B) each second coordinate is associated with one of a second plurality of groups of the sections, each said group of the second plurality of groups including a plurality of the sections, and

(ii) a plurality of symbols, each of said symbols associated with one of a plurality of awards, wherein each of said plurality of sections of said award distributor is associated with one of said symbols;

(b) cause a display of said plurality of symbols and the awards associated with each of said symbols on the award distributor to a player upon initiation of a play of the game;

(c) cause a section indicator associated with the award distributor to indicate one of said plurality of sections of the award distributor by:

(i) determining one of the first coordinates,

(ii) independently determining one of the second coordinates of one of the sections in the group of sections associated with the determined first coordinate, and

(iii) causing the section indicator to indicate the section defined by the determined first and second coordinates; and

(d) provide to the player the award associated with the symbol of the indicated section.

Replace Claim 25 with the following:

Claim 25 (currently amended): A method of operating a gaming device, said method comprising:

(a) causing at least one display device to display an award distributor in a game, said award distributor including an award wheel which includes:

(i) a plurality of sections displayed in a predetermined arrangement on said award distributor, said predetermined arrangement including each of the sections being in a set position relative to each other section of said award distributor, each of said sections defined by one of a plurality of first coordinates and one of a plurality of second coordinates, wherein:

(A) each first coordinate is associated with one of a first plurality of groups of the sections, each said group of the first plurality of groups including a plurality of the sections, and

each second coordinate is associated with one of a second plurality of group of sections, each said group of the second plurality of groups including a plurality of sections, and

(ii) a plurality of symbols, each of said symbols associated with one of a plurality of awards, wherein each of said plurality of sections of said award distributor is associated with one of said symbols;

- (b) causing the at least one display device to display said plurality of symbols and the awards associated with each of said symbols on the award distributor to a player upon initiation of a play of the game;
- (c) causing a section indicator associated with the award distributor to indicate one of said plurality of sections of the award distributor in said play of the game by:
 - (i) determining one of the first coordinates,
 - (ii) independently determining one of the second coordinates of one of the sections in the group of sections associated with the determined first coordinate, and
 - (iii) causing the section indicator to indicate the section defined by the determined first and second coordinates; and
- (d) providing to the player the award associated with the symbol of the indicated section.

Examiner's Statement of Reasons For Allowance

Claims 1-8, 11-22, 24-44, and 46-50 are allowed. The following is an examiner's statement of reasons for allowance: The best prior art of record fails to anticipate or render obvious the following limitations of independent claims 1 and 25, within the context of the whole claims: "an award wheel which includes: a plurality of sections, being in a set position relative to each other section, each first coordinate is associated with one of a first plurality of groups of the sections, and each second coordinate is associated with one of a second plurality of groups of sections, determining one of the

first coordinates, then independently determining one of the second coordinates of one of the sections in the group of sections associated with the determined first coordinate"

These above limitations overcome US 6,705,944 to Luciano, which teaches an award wheel with multiple concentric rings that are groups of symbol-bearing sections, each of these annular rings spinning past one another, because Luciano's arrangement fails to teach or suggest the limitation of the sections being in set positions relative to one another. The above limitations also overcome US 6,705,944 to Marnell, which teaches an award wheel with multiple concentric rings of cards. Like the instant invention, Marnell's individual indicia are stationary relative to the other indicia. However, Marnell randomly illuminates the symbol-bearing wheel sections, without teaching or suggesting independent selection of the group and section coordinates of a symbol.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN J. HYLINSKI whose telephone number is (571)270-1995. The examiner can normally be reached on Mon-Fri 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotelling, III. can be reached on (571)272-4437. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

/STEVEN J HYLINSKI/
Examiner, Art Unit 3714